

AARON D. FORD
Attorney General
SAMUEL L. PEZONE JR. (Bar No. 15978)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-4070 (phone)
(702) 486-3773 (fax)
Email: spezone@ag.nv.gov

*Attorneys for Defendants
Julie Williams and Joseph Swartz*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD W. COLLINS,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:22-cv-01795-CDS-BNW

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO ANSWER
THE FIRST AMENDED COMPLAINT
AND RESPOND TO ECF NO. 35
(FIRST REQUEST)**

Defendants, Julie Williams and Joseph Swartz (Defendants), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Samuel L. Pezone Jr., Deputy Attorney General, hereby request an extension of time to answer the First Amended Complaint (FAC) (ECF No. 29) and respond to Plaintiff, Ronald Collins' (Collins) "Motion Requesting Court to Retain Jurisdiction of This Case Regarding Breach of Contract Settlement Agreement Violation Claim" (ECF No. 35).

MEMORANDUM OF POINTS AND AUTHORITY

Pursuant to Fed. R. Civ. P. 6(b), the "court may, for good cause, extend the time . . . with or without motion or notice . . . if a request is made, before the original time or its extension expires." Defendants seek a first extension of time to answer the FAC and respond to Plaintiff's Motion, ECF No. 35. Good cause is present to extend the deadline to answer the FAC and respond to ECF No. 35.

1 On May 17, 2023, this Court ordered Defendants to answer the Complaint (ECF No.
2 9) within 60 days, or by July 17, 2023, and for counsel to accept service and file any last
3 known addresses within 21 days, or by June 7, 2023. ECF No. 17

4 On May 19, 2023, Collins filed a motion seeking leave to file an amended complaint.
5 ECF No. 18. On June 7, 2023, this Court granted Collins' motion, ECF No. 28, and the First
6 Amended Complaint was filed, ECF No. 29. This Court construed Defendants' Motion to
7 Stay ECF No. 17 regarding acceptance of service as motion for extension of time and
8 allowed an additional 21 days for acceptance of service. ECF No. 28.

9 On June 20, 2023, Collins filed this "Motion Requesting Court to Retain Jurisdiction
10 of This Case Regarding Breach of Contract Settlement Agreement Violation Claim." ECF
11 No. 35. Collins appears to request an order finding that this court has subject matter
12 jurisdiction to hear his breach of contract claim. *See Id.*

13 However, not all Defendants named in the FAC have yet appeared in this case, nor
14 have the appearing Defendants had the opportunity to challenge this Court's subject
15 matter jurisdiction in a motion to dismiss. Furthermore, counsel is still at work attempting
16 to parse the amended complaint and to prepare a motion to dismiss for lack of subject
17 matter jurisdiction, among other grounds.

18 While this Court granted an extension of the deadline to accept service in light of
19 the FAC, this Court did not extend the deadline to answer the FAC. ECF No. 28. The Office
20 of the Attorney General has until June 27, 2023, to accept service or file the last known
21 address of the remaining Defendants, *Id.*, but Defendants still have until July 17, 2023, to
22 file an answer or a motion to dismiss in response to the FAC. ECF No. 17.

23 The extension requested by Defendants will allow counsel sufficient time to comply
24 with ECF No. 17 and to prepare and file a joint motion to dismiss and response to ECF No.
25 35 based upon lack of subject matter jurisdiction. Accordingly, Defendants respectfully
26 request that the extension be granted for good cause shown. *See Ahanchian v. Xenon*
27 *Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010) (holding that the "district court abused
28 its discretion in denying party's timely motion" to extend time because the party

1 “demonstrated the ‘good cause’ required by Rule 6, and because there was no reason to
2 believe that [the party] was acting in bad faith or was misrepresenting his reasons for
3 asking for the extension”).

4 Defendants request an extension of time until July 31, 2023, to answer the FAC and
5 respond to Plaintiff’s Motion, ECF No. 35.

6 DATED this 21st day of June, 2023.

7 AARON D. FORD
8 Attorney General

9 By: /s/ Samuel L. Pezone Jr.
10 SAMUEL L. PEZONE JR. (Bar No. 15978)
Deputy Attorney General

11 *Attorneys for Defendants*

12
13 **ORDER**

14 IT IS ORDERED that ECF Nos. 37 and 38 are GRANTED.

15 IT IS SO ORDERED

DATED: 7:58 pm, June 22, 2023

16 

17 BREND A WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on June 21, 2023, I electronically filed the foregoing **DEFENDANTS' MOTION FOR EXTENSION TO ANSWER THE FIRST AMENDED COMPLAINT AND RESPONSE TO ECF NO. 35 (FIRST REQUEST)**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically.

/s/ Diane Resch

An employee of the Office of the
Nevada Attorney General